

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 202 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

MALDE SAJANBHAI PAMPANIA

Versus

STATE OF GUJARAT

Appearance:

MR AJ SHASTRI for Petitioner

Mr.AJ Desai, APP for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 20/03/98

ORAL JUDGEMENT

Heard Mr. A.J. Shastri, learned advocate appearing for the petitioner. Rule. Learned APP Mr. A.J.Desai waives service of rule on behalf of Respondent No.1. Respondent No.2 is served with the Notice issued by earlier order dated 16.3.1998.

2. The petitioner has prayed for deletion of

conditions imposed by learned Additional Sessions Judge, Junagadh, while returning the custody of the muddamal vehicle in the proceedings of Criminal Revision Application No. 149 of 1997.

3. It may be noted that learned Sessions Judge has directed to return the custody of muddamal Maruti Car bearing Registration No.GJ-11A-9633 in connection with the M.Case No.36 of 1997 on petitioner depositing Rs.1 lac in cash in the court of Chief Judicial Magistrate, Junagadh, and on further condition that petitioner shall not transfer the same in whatsoever manner and shall produce the same as and when called for. That vide said order, interim custody pending the final disposal of said Criminal Case is ordered to be given.

4. The petitioner has moved the present petition contending that it is difficult for the petitioner to deposit cash amount of Rs.1 lac in compliance of the condition imposed by learned Additional Sessions Judge. That it would put the petitioner in great hardship to invest such a huge amount without any interest, the petitioner has shown willingness to abide by any other condition including to furnish a solvent security for the said amount.

5. Learned APP has left the matter to the discretion of the Court. Respondent No.2 though served has failed to appear.

6. In consideration of overall circumstances apparent from the material produced on record, the Order passed by learned Additional Sessions Judge, Junagadh, dated 31.1.1998 in the proceedings of Criminal Revision Application No. 149 of 1997 is modified to the extent that instead of the condition imposed on the petitioner to deposit Rs. 1 lac in cash in the Court of Chief Judicial Magistrate, Junagadh, the petitioner shall furnish a solvent security of Rs. 1,50,000/- (Rupees one lac and fifty thousand only) to the satisfaction of the Chief Judicial Magistrate, Junagadh, District Junagadh. Rest of the conditions imposed in the said order for giving the interim custody of the muddamal vehicle bearing Registration No. GJ-11A-9633 remains as it is. Rule is made absolute accordingly. No order as to costs. Direct service is permitted.

p.n.nair